

ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

ORIGINAL
FILE

In the Matter of) MM Docket No. _____
)
Amendment of Section 73.202(b)) RM: _____
Table of Allotments,)
FM Broadcast Stations)
(Proctor, Minnesota))

To: Chief, Policy and Rules Division
Mass Media Bureau

RECEIVED

SEP 24 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PETITION FOR RULEMAKING

Frank P. Befera, by his attorney and pursuant to Section 1.401 of the Commission's Rules, herewith petitions the Commission to institute a Rulemaking Proceeding to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, by adding FM Channel 297A at Proctor, Minnesota as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Proctor, Minnesota	---	297A

The attached statement by John J. Mullaney, Mullaney Engineering, Inc., demonstrates that the proposed assignment would be in substantial compliance with all technical and spacing considerations contained in the Commission's Rules. The proposed channel allocation is within 290 kilometers of the U.S. border and, therefore, foreign concurrence (Canadian) is required.

Frank P. Befera will promptly file an application for a construction permit seeking authority to construct (and operate) a commercial FM broadcast station on Channel 297A, should the Commission assign the requested channel, and shall promptly construct such station.

No. of Copies rec'd
List A B C D E

246

WHEREFORE, it is respectfully requested that the Commission issue a Notice of Proposed Rulemaking to amend Section 73.202(b) of the Commission's Rules by assigning FM Channel 297A to Proctor, Minnesota.

Respectfully submitted,

FRANK P. BEFERA

By:



Robert J. Rini

His Counsel

Rini & Coran, P.C.
1350 Connecticut Ave., N.W.
Suite 900
Washington, DC 20036
(202) 296-2007

Date: September 23, 1992

/es/BEFE0924/

JOHN J. MULLANEY
JOHN H. MULLANEY, P.E.

MULLANEY ENGINEERING, INC.

9049 SHADY GROVE COURT
GAITHERSBURG, MD 20877

301 921-0115

ENGINEERING EXHIBIT EE:

FRANK P. BEFERA

ALLOTMENT OF CHANNEL 297A AT PROCTOR, MN

SEPTEMBER 14, 1992

ENGINEERING STATEMENT IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND
THE FM TABLE OF ASSIGNMENTS

**ORIGINAL
SIGNATURE**

MULLANEY ENGINEERING, INC.

ENGINEERING EXHIBIT EE:

FRANK P. BEFERA

ALLOTMENT OF CHANNEL 297A AT PROCTOR, MN

TABLE OF CONTENTS:

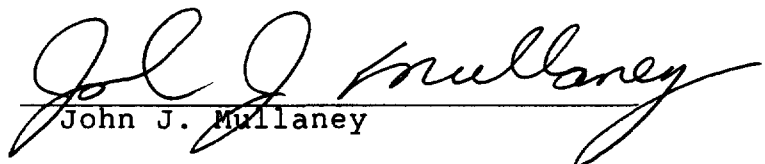
1. Declaration of Engineer
2. Narrative Statement.
3. Figure 1, Channel Allocation Study for Ch. 297A
from the City Reference Coordinates.
4. Figure 2, Allowable Area Map for Ch. 297A.

MULLANEY ENGINEERING, INC.

DECLARATION

I, John J. Mullaney, declare and state that I am a graduate electrical engineer and my qualifications are known to the Federal Communications Commission, and that I am an engineer in the firm of Mullaney Engineering, Inc., and that firm has been retained by Frank P. Befera to prepare an engineering statement in support of a Petition to Amend the FM Table of Assignments.

All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.


John J. Mullaney

Executed on the 14th day of September 1992.

ENGINEERING EXHIBIT EE:

FRANK P. BEFERA

ALLOTMENT OF CHANNEL 297A AT PROCTOR, MN

NARRATIVE STATEMENT:

I. GENERAL:

This engineering statement has been prepared on behalf of Frank P. Befera. The purpose of this statement is to support a request that the FM Table of Assignments be amended to allotment of Ch. 297A to Proctor, Minnesota.

Ch. 297A would be the First Local Service to be licensed to Proctor, MN (St. Louis County). The city of Proctor has a 1990 population of 2,974 persons.

It should be noted that the area in question is within 290 kilometers (180 miles) of a U.S. Border and, therefore, foreign concurrence (Canadian) is required.

II. ENGINEERING DISCUSSION:

A. Proposed Site - Proctor, MN:

The following geographic coordinates are for the city reference point of Proctor, MN:

Latitude: 46° 44' 42"
Longitude: 92° 13' 54"

B. Channel Allocation Study - Proctor, MN:

Figure 1 is a Channel Allocation Study from the Special Reference Point proposed herein which indicates the required separation in kilometers to all known Licenses, Construction Permits, Open Allocations, pending Applications, and pending Rule Makings. From this study it can be determined that the proposed special reference point exceeds all of the minimum separations. There are no known Canadian problems associated with this allocation.

Figure 2 is a map which illustrates these restrictions and the resulting area in which the tower site must be located. It also clearly demonstrates that it is possible to propose a site that will provide an unobstructed view of the City of License, Proctor, MN and will serve the entire Community with the required 3.16 mV/M contour.

C. Public Interest Showing:

Assuming maximum Class A facilities the population served within the 60 dBu contour is 152,384 persons (1990 census).

Based upon the above reasons Frank P. Befera believes that the requested channel allotment is in the Public Interest and should therefore be granted by the Commission.

Frank P. Befera
Allotment of 297A at Proctor, MN

MULLANEY ENGINEERING, INC.

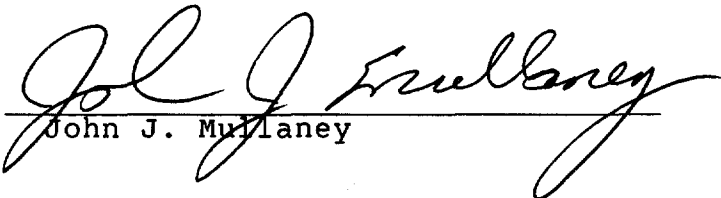
III. SUMMARY:

Frank P. Befera requests that the FM Table of Assignments be amended to allotment of Ch. 297A to Proctor, MN.

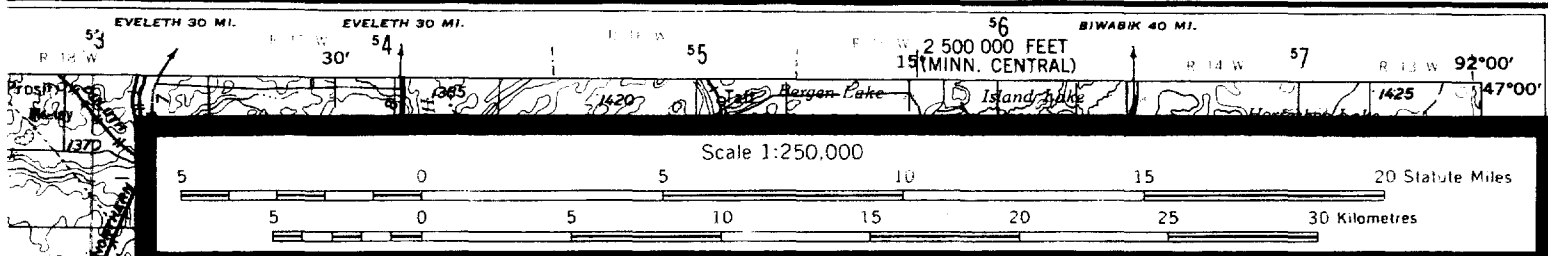
City	Present	Proposed
Proctor, MN	---	297A

If Channel 297A is allotted to Proctor, Frank P. Befera will file an application for construction permit and if granted a C.P. will construct promptly.

September 14, 1992.



John J. Mullaney



ALLOWABLE AREA MAP - CH. 297A
FRANK P. BEFERA
ALLOTMENT OF CHANNEL 297A AT PROCTOR, MN

MULLANEY ENGINEERING, INC.
GAITHERSBURG, MARYLAND
FIGURE 2
SEPTEMBER 1992

